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DATE FILED: March 2, 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: STATE STREET BANK AND TRUST CO. :
FIXED INCOME FUND INVESTMENT :
LITIGATION :
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08 MD. 1945 (PAC)

PRUDENTIAL RETIREMENT INSURANCE
AND ANNUITY CO.,

Plaintiff,

v.

07 Civ. 8488 (PAC)

STATE STREET BANK AND TRUST CO., et al.,

Defendants.

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APOGEE ENTERPRIS INC.,

Plaintiff,

v.

09 Civ. 1899 (PAC)

STATE STREET BANK AND TRUST CO., et al.,

Defendants.

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

On February 9, 2012, this multidistrict litigation was re-assigned to this District Court Judge. The Court now addresses the motions currently pending in these actions.

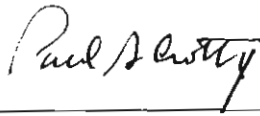
There are six motions in limine pending in the Prudential Retirement Insurance & Annuity Co. v. State Street Bank & Trust Co., et al., 07 Civ. 8848, action. These motions were filed on August 12, 2011, in anticipation of an October 2011 trial on Plaintiff's breach of fiduciary duty claims. Since that trial has ended, the Court terminates these motions. If, however, these motions in limine are relevant to Defendants' contribution and defamation

counterclaims, which have yet to be tried, then the Court will allow the parties to re-file these motions before that trial.

There is one motion for summary judgment pending in the Apogee Enterprises, Inc. v. State Street Bank & Trust Co., et al., 09 Civ. 1899, action. The Court notes that Defendants, in their motion papers, argue that summary judgment is “premature” as “many key witnesses have not yet been deposed.” (Def. Opp. 20-22.) The Court presumes that these witnesses have since been deposed. The Court terminates this motion, but grants Plaintiff leave to re-file their motion. If the parties wish to update their papers before they re-file, in light of the subsequent depositions, they are allowed to do so. The parties are directed to meet and confer, and submit a briefing schedule to the Court. The Court will schedule oral argument, and address the motion shortly after it is re-filed and fully briefed.

The Clerk of Court is directed to terminate the above motions (07 Civ. 8488, Dkt. Nos. 272, 274, 277, 280, 288, 289 and 09 Civ. 1899, Dkt. No. 82).

Dated: New York, New York
March 2, 2012



PAUL A. CROTTY
United States District Judge